

THOMAS J. ROONEY
16TH DISTRICT, FLORIDA

DEPUTY WHIP

1529 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515

(202) 226-5792

<http://rooney.house.gov>

COMMITTEE ON AGRICULTURE
CHAIRMAN — SUBCOMMITTEE ON
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Congress of the United States
House of Representatives
Washington, DC 20515-0916

June 6, 2012

The Honorable Eric Holder
Attorney General of the United States
950 Pennsylvania Ave., NW
Washington, DC 20530

Dear Attorney General Holder:

Florida has uncovered a widespread problem of illegal and erroneous voter registration, exposing as many as 182,000 registered voters as non-U.S. citizens. The Department of Justice has an obligation to work with the state to prevent voter fraud and ensure that illegal votes are not cast, yet your department has consistently obstructed Florida's efforts and has been either unresponsive or outright hostile to legitimate requests for information.

Your department has now directed the state of Florida to stop removing non-citizen voters from registration rolls. This direction is not only groundless, it stands in stark contrast to federal laws directing states to coordinate voter registration records and ensure their accuracy. Your actions further demonstrate that the Department of Justice, under your leadership, is more concerned with protecting the reelection prospects of the President than with upholding justice and enforcing the rule of law.

The Help America Vote Act of 2002 explicitly directs states to ensure that voter registration records are accurate by coordinating them "with other databases within the State." Florida has complied with that law by checking registration records against driver's license records. Your department now claims that this procedure required pre-approval under Section 5 of the Voting Rights Act. That claim is simply untrue.

Section 5 applies to only five counties in Florida, not the entire state, and it only requires those counties to get pre-approval from the Justice Department or a federal court before making changes to voting procedures or rules. Florida has always, in accordance with federal law, used state databases to confirm citizenship information, so this does not constitute a "change" that would require pre-approval. Even if Section 5 did apply, it would not apply to the entire state, so DOJ cannot stop these efforts statewide. Furthermore, House bill 1355, which was pre-approved by the Justice Department, allows the secretary of state to use sources like DMV records to remove registrants who are not U.S. citizens.

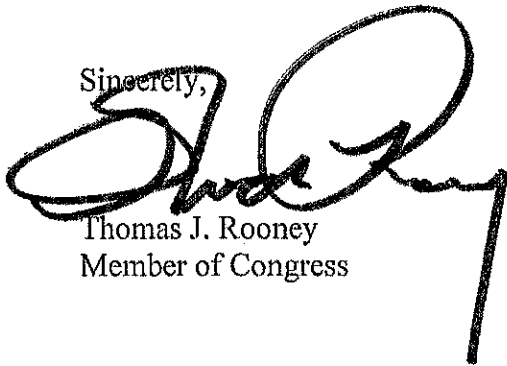
Your department also alleges that the removal violates Section 8 of the National Voter Registration Act, which prohibits the removal of names from voter registration rolls within 90 days of an election. This claim is also false. Section 8 applies to previously eligible voters who have become ineligible for certain reasons, like moving out of state. It does not apply to voters

who have become ineligible through death, criminal conviction, or mental capacity. Section 8 does not apply to voters who were ineligible at the time they registered, which is a felony, including noncitizens.

Even if Section 8 did apply, Florida is in the position of purging the voter rolls at this time only because the Obama Administration violated federal law by refusing Florida's request to compare registration records with the Department of Homeland Security's records on noncitizens. If not for the Obama Administration's stonewalling, this necessary purge of illegal voters would have been completed nine months ago, when the state requested this information.

While your department should be working with Florida to stop voter fraud, you are instead actively working to keep noncitizens – who have committed a felony – on our state's voter rolls. It is time for you to end your blatant politicization of your position as Attorney General and the Department of Justice as a whole. Please direct the Voting Section of the Department to end its baseless efforts to stop Florida from removing illegal, noncitizen voters from its registration rolls, and please direct your Department to uphold its obligation to prosecute those who have committed a felony by registering to vote illegally.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Thomas J. Rooney', with a long vertical line extending downwards from the end of the signature.

Thomas J. Rooney
Member of Congress